

**CHESTER TOWNSHIP
OTTAWA COUNTY, MICHIGAN**

**The Chester Township Peddler License and Control Ordinance
(Ordinance No. 2009-09-01)**

At a regular meeting of the Township Board for Chester Township held at the Township offices on September 14, 2009, Township Board Member Goodno moved to adopt this Ordinance, which motion was seconded by Township Board Member Creager:

**AN ORDINANCE TO REQUIRE THE LICENSING OF
PEDDLERS, TO PROVIDE PENALTIES FOR VIOLATION
OF THE PROVISIONS OF THIS ORDINANCE, AND TO
SET THE EFFECTIVE DATE OF THIS ORDINANCE**

THE TOWNSHIP OF CHESTER (the "Township") ORDAINS:

ARTICLE 1. IN GENERAL

A. Operation or Use of Vehicles and Equipment on Streets and Other Public Places; Hours of Operation. No vehicle or other equipment shall be operated or otherwise used on the public streets, sidewalks, parks or other public ways or places in Chester Township (the "Township") between the hours of 9:00 p.m. and 9:00 a.m., or on Sundays, by any Person licensed (or required to be licensed) under this Ordinance, for the purpose of carrying on the licensed activity under Article 2 of this Ordinance. These regulations shall help protect the ability of Township residents to be free from sales calls at their dwellings and elsewhere during certain portions of each day.

B. General Exceptions. Any Person associated with any public or private school, or any youth activities such as, but not limited to, the Girl Scouts, Boy Scouts, church youth groups, or youth athletic leagues, shall be exempt from the provisions of this Ordinance. Also, any farmer selling farm crops or products produced in Chester Township or an adjoining township shall be exempt from this Ordinance. Decisions regarding whether a Person falls within such

exceptions shall reside with the Township Supervisor. Any decision by the Township Supervisor may be appealed in writing within ten (10) days to the Township Board. This exception shall not apply to any Person or organization that is selling subscriptions for magazines, books or periodicals.

C. Township Supervisor. Whenever the term “Township Supervisor” is used in this Ordinance, the term includes the Township Supervisor as well as his/her designee or such other Township official as may be designated from time to time by the Township Board.

D. Person. Whenever the word “Person” is used in this Ordinance, the word means any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative.

ARTICLE 2. PEDDLERS

A. Definition. The word “Peddler” as used in this Ordinance shall be construed to mean any Person who travels from door-to-door, place-to-place, or property-to-property, and who uses public streets, sidewalks, parks or other public ways or places, to: (1) sell or offer for sale or display for sale any goods, products, wares or merchandise to any Person not a dealer therein; or (2) take orders for the purchase of goods, products, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines, periodicals or books from any Person not a dealer therein; or (3) sell or offer for sale or take orders for the sale of services (*e.g., landscaping, painting, snow removal, or any other services to be performed for those who wish to purchase them*). A Peddler’s assistant shall also be considered a “Peddler” for purposes of this ordinance.

The term “Peddler” as used in this Ordinance shall not apply to any Person selling the products of the Person’s own farm, orchard or garden.

B. License Required. No Person shall operate as a Peddler within the Township, unless the Person has obtained a license from the Township in compliance with this Ordinance. No Person shall act as a helper or assistant to a Peddler without also having obtained a Peddler's license in accordance with this Ordinance.

C. Application. Any Person seeking a license as a Peddler shall apply to the Township Supervisor (or such other Township official as may be designated from time to time by the Township Board) upon proper forms furnished by the Township, signed and completed by the applicant. The applicant shall specify in writing:

- (1) How the applicant intends to travel, trade, or conduct business;
- (2) The applicant's name and permanent home address;
- (3) If employed, the name and address of the applicant's employer; and
- (4) The address(es) of the applicant's place(es) of residence for the past three years.

The application must also contain two recent true photographs of the applicant (or the Township will take photographs of the applicant at the applicant's expense).

The application for a license must be filed with the Township Supervisor at least seven (7) days prior to the start of any sale activity within the Township.

D. Fees. A Person seeking a Peddler's license issued under this Ordinance shall pay to the Township, at the time when the application is filed, a fee of \$25.00. The Township Board may change such fees at any time by a resolution.

E. Issuance. The Township Supervisor (or such other Township official as may be designated from time to time by the Township Board) is authorized to issue licenses to those who

have complied with the provisions of this Ordinance, unless otherwise directed by the Township Board.

F. Contents; to be Carried by Licensee; Badge. Each license granted under this Ordinance to a Peddler or Peddler's helper shall contain a recent true photograph of the licensee and the licensee's current address. All licensees shall carry their licenses with them at all times while working in a manner subject to this Ordinance.

If the Township issues a badge (with or without a photograph of the individual) to a Peddler or Peddler's helper, such person shall wear or affix such badge on the outside of their clothing while working within the Township so that the badge will be readily visible to any person encountering the Peddler or Peddler's assistant. No such badge shall be altered, except by a Township official pursuant to this Ordinance.

G. Alteration Prohibited. No licensee under this Ordinance shall alter, remove or obliterate any entry made on the Person's license to work as a Peddler or as a Peddler's helper or alter any badge issued by the Township pursuant to this Ordinance.

H. License Expiration. All licenses issued under this Ordinance for Peddlers or Peddler's helpers shall expire on the 31st day after the license was issued, unless another (i.e., earlier or later) date is indicated by the Township. The Township Supervisor (or such other Township official as may be designated from time to time by the Township Board) may in his/her discretion allow an automatic renewal for certain licenses which are perpetually maintained, such as licenses for businesses which are designed to engage in peddling on a perpetual basis (e.g., meat sales, general food sales, etc.). However, no license (including automatic renewals) shall be valid for longer than twelve (12) months. There would be no fee for any such renewal unless the applicant has changed.

I. Suspension or Revocation. The Township Supervisor shall have the power to suspend or revoke any license issued under this Ordinance to a Peddler or a Peddler's helper for any violation of this Ordinance, any other Township ordinance, any condition or regulation under which the license was granted, any federal or state or county law or regulation, or for an inappropriate business practice.

The Township Supervisor shall report all suspensions and revocations to the Township Board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard.

No Person whose license has been revoked or suspended shall receive another license under this Ordinance to be a Peddler or a Peddler's helper for a period of one (1) year thereafter. In the event of revocation or suspension, the license fee shall not be refunded.

J. Nontransferable; Return upon Expiration. Any permit, license or badge issued under this Ordinance shall be nontransferable and shall be returned to the Township Clerk within two (2) days after its expiration, together with all facsimile copies thereof.

K. Records to be Kept. A complete record of each license issued under this Ordinance to a Peddler or a Peddler's helper, including renewals, suspensions or revocations, and complaints and charges against the licensee, together with the licensee's photograph, shall be kept on file by the Township Clerk.

L. Misrepresentations by Peddlers or Peddler's Helpers. No Person shall, directly or indirectly, solicit sales or contributions for any purpose by misrepresentation of his/her name, occupation, financial condition, social condition, residence or any other matter, and no Persons shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution or sale for any purpose in the Township.

M. Unlawful Trespass or Solicitation. No Peddler or Peddler's assistant shall go on any property or approach any dwelling, building or other structure where a sign has been posted (which is clearly visible) which states "No Trespassing," "No Solicitation," or similar message which indicates that a Peddler or Peddler's assistant is not welcome.

ARTICLE 3. PENALTY SECTION

Any violation of this Ordinance (or of any license issued under this Ordinance) shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this Ordinance (or of any license issued under this Ordinance) is responsible for a municipal civil infraction, and is subject to payment of a civil fine and reimbursements, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this Ordinance shall be fifty (50) dollars, plus costs and other sanctions, for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible. Each day on which a violation of this Ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense..

ARTICLE 4. REPEAL, SEVERABILITY AND PERSONAL LIABILITY

A. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of any such conflict.

B. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that

holding shall not effect the validity of this Ordinance in whole or in part, other than that part declared to be unconstitutional or invalid.

C. Personal Liability. No Township official, officer, employee or contractor shall be personally liable for any damages that may accrue to any Person as a result of any act required or permitted in the discharge of Township duties under and in the enforcement of this Ordinance.

ARTICLE 5. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after this Ordinance or a summary thereof is published in the newspaper.

The vote on this Ordinance was as follows:

YEAS: Berenbrock, Creager, Goodno, Kelly, & Redding

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Chester Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2009

By _____
Janice Redding
Chester Township Clerk